

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

ELDRIDGE ROOSEVELT MEEKS, III,
Plaintiff

v.

THE CITY OF DANVILLE, et al,
Defendants.

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CASE NO. 4:20-cv-00029


**PLAINTIFF’S MEMORANDUM IN SUPPORT OF HIS MOTION TO QUASH
DEFENDANTS’ SUBPOENA TO ADDICTION SPECIALTY TREATMENT
CENTER GENERAL PRACTICE**

COMES NOW the Plaintiff, Eldridge Roosevelt Meeks, III (“Mr. Meeks”), by counsel, to tender this Memorandum in Support of the accompanying Motion to Quash Defendants’ Subpoena to Addiction Specialty Treatment Center General Practice.

FACTS

The Defendants issued a subpoena to Addiction Specialty Treatment Center General Practice seeking certain medical records related to Mr. Meeks’ medical care. A true copy of this subpoena is attached hereto and incorporated herein as **EXHIBIT A**. This subpoena seeks records related to treatment for substance abuse. Addiction Specialty Treatment Center General Practice is owned and operated by Margaret Bowen, MD, PLLC. and accepts Medicaid as reflected in **Image 1** below, which is provided on the North Carolina Medicaid Provider lookup website at <https://ncmedicaidplans.gov>:

IMAGE 1

| | | | |
|--|-------------------------------------|---|---|
| MARGARET MARY PHILLIPE BOWEN | NPI/Atypical # 1083781207 | Phone (336) 280-0595 | Benefit Programs Accepted Medicaid NC Health Choice |
| MARGARET BOWEN, MD, PLLC MARGARETBOWENMD | Provider Gender Female | Address 1415 FREEWAY DR REIDSVILLE, NC 27320 Driving directions | Plans Accepted NC Medicaid Direct WellCare HealthyBlue AmeriHealth Caritas |
|  Enroll | | | |
| View more details | | | ▼ |

ARGUMENT

Section 543 of the Federal Public Health Services Act, 42 U.S.C. § 290dd-2, and its implementing regulations, 42 C.F.R. Part 2, strictly protects the confidentiality of patient records in substance abuse programs that are federally conducted, regulated or assisted. The statutes prohibit the release of such records in response to attorney-issued subpoenas. Furthermore, the requested records are not relevant, as there is no evidence that Mr. Meeks was under the influence of any substance when he was injured and as there is not evidence than substance use played any role in his injuries.

CONCLUSION

WHEREFORE, Mr. Meeks moves this Court to grant his Motion to Quash Defendants' Subpoena to Addiction Specialty Treatment Center General Practice.

Respectfully submitted,

ELDRIDGE ROOSEVELT MEEKS, III
By Counsel

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Virginia State Bar No. 72326

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2021, I electronically filed the foregoing Memorandum with the Clerk of this Court using the CM/ECF system, which will automatically send notice of this filing to:

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